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UNFORMED COPY
 OF ORIGINAL FILED
 Superior Court

APR 23 2015

Sherri R. Carter, Executive Officer/Clerk
 By: Moses Soto, Deputy

Attorneys for Defendant SPACEX

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

GILBERT GUZMAN,

Plaintiff,

v.

SPACE EXPLORATION
 TECHNOLOGIES CORP., a Delaware
 corporation; and DOES 1 through 60,
 inclusive,

Defendants.

Case No.: BC574495

Hon. Ruth Ann Kwan, Dept. 72

DEFENDANT SPACEX'S ANSWER TO
 PLAINTIFF'S COMPLAINT FOR
 DAMAGES

Complaint Filed: March 9, 2015

Defendant SpaceX ("Defendant") submits its Answer to the Complaint for Damages
 ("Complaint") of Plaintiff Gilbert Guzman ("Plaintiff") as follows:

GENERAL DENIAL

Pursuant to California Code of Civil Procedure section 431.30, subdivision (d),
 Defendant generally denies each and every allegation in the Complaint. Defendant further
 denies that Plaintiff has suffered any injury, damage, or loss by reason of any act or omission on
 the part of Defendant, denies that Plaintiff has been injured or damaged in any amount
 whatsoever, and denies that Defendant owes Plaintiff any amount whatsoever.

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DEFENDANT'S ANSWER TO THE PLAINTIFF'S COMPLAINT

Case No. BC560127

1 AFFIRMATIVE DEFENSES

2 Without admitting any facts alleged by Plaintiff, Defendant also pleads the following
3 separate and affirmative defenses to the Complaint:

4 FIRST AFFIRMATIVE DEFENSE

5 (Failure to State a Claim)

6 Neither the Complaint nor any cause of action set forth in the Complaint states facts
7 sufficient to constitute a cause of action against Defendant.

8 SECOND AFFIRMATIVE DEFENSE

9 (Statute of Limitations)

10 Plaintiff's claims are barred in whole or in part by the applicable statutes of limitation,
11 including but not limited to those set forth in the provisions of California Code of Civil
12 Procedures sections 335.1, 337, 338, 339, 340, and 343, Government Code sections 12960 and
13 12965, and any other applicable statute of limitation.

14 THIRD AFFIRMATIVE DEFENSE

15 (Failure to Exhaust Administrative Remedies)

16 The Complaint is barred because appropriate administrative remedies have not been
17 exhausted as to Defendant and/or as to any alleged cause of action that has not been made the
18 subject of a timely administrative charge filed with the Department of Fair Employment and
19 Housing or other similar agency as required by California Government Code section 12960, *et*
20 *seq.*

21 FOURTH AFFIRMATIVE DEFENSE

22 (Settlement and Release of Claims)

23 Plaintiff's Complaint, and each and every cause of action alleged therein, is barred, or at
24 least limited, to the extent Plaintiff previously settled and released his claims against Defendant.

25 FIFTH AFFIRMATIVE DEFENSE

26 (Waiver, Estoppel, Laches, Excuse, Mistake, and Unclean Hands)

27 Plaintiff's claims are barred by the equitable doctrines of waiver, estoppel, laches,
28 excuse, mistake, and/or unclean hands.

1 SIXTH AFFIRMATIVE DEFENSE

2 (After-Acquired Evidence)

3 Plaintiff's recovery is limited in whole or in part by the doctrine of after-acquired
4 evidence.

5 SEVENTH AFFIRMATIVE DEFENSE

6 (Failure to Mitigate)

7 Plaintiff's claims are barred or diminished by the failure of Plaintiff to mitigate.

8 EIGHTH AFFIRMATIVE DEFENSE

9 (Losses Caused by Plaintiff)

10 Defendant, denying any wrongdoing on its part, and expressly denying that Plaintiff has
11 been damaged as alleged, asserts that any damage or pecuniary loss Plaintiff has sustained has
12 been proximately caused by Plaintiff's own actions or inactions.

13 NINTH AFFIRMATIVE DEFENSE

14 (No Injury to Plaintiff / Losses *De Minimis*)

15 Defendant, denying any wrongdoing on its part, asserts that Plaintiff has not suffered any
16 injury, damage, loss or harm due to any actions of Defendant or any failure to act by Defendant,
17 or that any damage or pecuniary loss Plaintiff has sustained is *de minimis*.

18 TENTH AFFIRMATIVE DEFENSE

19 (Failure to State a Claim for Attorneys' Fees)

20 The Complaint fails to state a claim upon which an award of attorneys' fees can be
21 granted.

22 ELEVENTH AFFIRMATIVE DEFENSE

23 (Punitive Damages Unconstitutional)

24 Any claim for punitive damages is unconstitutional under the California and Federal
25 Constitutions and in particular pursuant to the due process, equal protection and/or excessive
26 fines clauses contained therein.

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1 TWELFTH AFFIRMATIVE DEFENSE

2 (Failure to State Claim to Support Punitive Damages)

3 Plaintiff is not entitled to recover any punitive or exemplary damages and any allegations
4 with respect thereto should be stricken because:

5 (a) Plaintiff has failed to plead facts sufficient to support allegations of
6 oppression, fraud, and/or malice (Cal. Civ. Code § 3294(a));

7 (b) Plaintiff has failed to plead facts sufficient to support allegations of gross
8 or reckless disregard for the rights of Plaintiff, or that Defendant was motivated by evil motive or
9 intent; and

10 (c) Neither Defendant nor any of its officers, directors or managing agents
11 committed any alleged oppressive, fraudulent or malicious act, authorized or ratified such an act,
12 or had advance knowledge of the unfitness, if any, of any employee or employees who allegedly
13 committed such an act, or employed any such employee or employees with a conscious disregard
14 of the rights or safety of others (Cal. Civ. Code § 3294(b)).

15 THIRTEENTH AFFIRMATIVE DEFENSE

16 (Workers' Compensation Act Exclusivity)

17 Plaintiff's claims, to the extent they are based in whole or in part upon any alleged
18 physical or emotional injury or distress, are barred by the exclusive remedy provisions of the
19 California Workers' Compensation Act, California Labor Code section 3600, *et seq.*

20 FOURTEENTH AFFIRMATIVE DEFENSE

21 (Legitimate Non-Discriminatory Business Reasons)

22 There were legitimate, non-retaliatory, nondiscriminatory business reasons for the
23 decisions about which Plaintiff complains.

24 FIFTEENTH AFFIRMATIVE DEFENSE

25 (Outside Course and Scope of Employment)

26 Defendant is not liable for any acts or omissions of any person who was not acting within
27 the course and scope of his/her duties as an employee, agent, director, officer, or constituent
28 member of Defendant.

1 SIXTEENTH AFFIRMATIVE DEFENSE

2 (Actions Outside Control of Defendant)

3 Any harm or injury suffered by Plaintiff, the existence of such harm or injury being
4 specifically denied, is the result of the actions of others not within the control of Defendant.

5 SEVENTEENTH AFFIRMATIVE DEFENSE

6 (No Wrongful Conduct By Managing Agents)

7 Plaintiff has not alleged and/or cannot demonstrate any wrongful conduct by any
8 managing agents, and Defendant further alleges that it never ratified or condoned any unlawful
9 or tortious conduct of any employee or individuals.

10 EIGHTEENTH AFFIRMATIVE DEFENSE

11 (Non-Willful Conduct)

12 Even if the misconduct as alleged by Plaintiff occurred, which Defendant denies, such
13 misconduct was not carried out in conscious disregard of Plaintiff's rights, nor was it willful,
14 intentional, knowing or deliberate.

15 NINETEENTH AFFIRMATIVE DEFENSE

16 (No Malice / Good Faith)

17 Some or all of Plaintiff's claims for damages alleged in the Complaint are barred in that
18 all decisions and actions of Defendant with respect to the subject matter of this lawsuit were
19 undertaken in good faith, in the absence of malicious intent, and constituted a lawful, proper and
20 justified means to further its legitimate economic interests.

21 TWENTIETH AFFIRMATIVE DEFENSE

22 (Avoidable Consequences)

23 Plaintiff's claims are barred because Defendant exercised reasonable care to prevent and
24 promptly correct any harassing behavior and Plaintiff unreasonably delayed in taking, or failed to
25 take, advantage of any preventive or corrective opportunities provided by Defendant or to
26 otherwise avoid harm.

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TWENTY-FIRST AFFIRMATIVE DEFENSE

(Failure to Plead with Sufficient Particularity)

Plaintiff has failed to set out his claims with sufficient particularity to permit Defendant to raise all appropriate defenses and, thus, Defendant reserves the right to add additional defenses as the factual basis for these claims become known.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Allegations Exceed Scope of Administrative Complaint)

Plaintiff's claims are barred in whole or in part to the extent the acts or omissions alleged in Plaintiff's Complaint exceed the allegations alleged in Plaintiff's administrative complaint of discrimination to the California Department of Fair Employment and Housing.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Speculative and Uncertain Damages)

Plaintiff's damages, if any, are speculative and uncertain and thus cannot be recovered.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Consent)

Plaintiff's claims are barred in whole or in part, or the relief under such claims is limited, because Plaintiff consented to the alleged conduct.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Privilege / Justification)

Plaintiff's claims are barred in whole or in part because any alleged acts and/or omissions attributable to Defendant were justified and/or privileged.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(Undue Hardship)

Plaintiff's claims are barred in whole or in part because any proposed accommodations of Plaintiff's alleged disability would create an undue hardship to the operation of Defendant's business.

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1 TWENTY-SEVENTH AFFIRMATIVE DEFENSE

2 (Health or Safety Risk)

3 Plaintiff's claims are barred in whole or in part because, even with reasonable
4 accommodations of Plaintiff's alleged disability, Plaintiff was still unable to perform at least one
5 essential job duty without endangering his health or safety or the health or safety of others.

6 TWENTY-EIGHTH AFFIRMATIVE DEFENSE

7 (Inability to Perform Essential Job Duty)

8 Plaintiff's claims are barred in whole or in part because, even with reasonable
9 accommodations of Plaintiff's alleged disability, Plaintiff was still unable to perform at least one
10 essential job duty.

11 TWENTY-NINTH AFFIRMATIVE DEFENSE

12 (No Certification from Health Care Provider)

13 Plaintiff's claims are barred in whole or in part because Plaintiff did not provide a health-
14 care provider's certification of his need for leave.

15 THIRTIETH AFFIRMATIVE DEFENSE

16 (Employment Would Have Ceased)

17 Defendant was not required to allow Plaintiff to return to work when his medical leave
18 ended because his employment would have ended for other reasons.

19 RESERVATION OF RIGHTS

20 Defendant reserves the right to amend this Answer should it later discover facts
21 demonstrating the existence of new and/or additional affirmative defenses and/or should a
22 change in the law support the inclusion of new and/or additional affirmative defenses.

23 WHEREFORE, Defendant prays:

- 24 1. That Plaintiff take nothing by the Complaint;
25 2. That the Complaint be dismissed with prejudice;
26 4. That Defendant recovers its costs of suit herein, including reasonable attorneys'
27 fees; and

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1 5. That this Court grant such other further relief as it may deem appropriate.

2 Dated: April 23, 2015

FOX ROTHSCHILD LLP

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By: 

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Lee Szor

Attorneys for Defendant SPACEX

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action; my business address is: 345 California Street, Suite 2200, San Francisco, CA 94104.

On April 23, 2015, I served the foregoing documents:

DEFENDANT SPACEX'S ANSWER TO PLAINTIFF'S COMPLAINT

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelope(s) addressed as follows:

Douglas N. Silverstein, Esq.
Michael G. Jacob, Esq.
Kesluk, Silverstein & Jacob, P.C.
9255 Sunset Boulevard, Ste. 411
Los Angeles, CA 90069
T: 310.273.3180
F: 310.273.6137

Attorneys for Plaintiff

☒ **BY FIRST-CLASS MAIL:** I caused said document(s) to be deposited in a facility regularly maintained by the United States Postal Service on the same day, in a sealed envelope, with postage paid, addressed to the above listed person(s) on whom it is being served for collection and mailing on that date following ordinary business practices.

☒ **[STATE]** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 23, 2015, at San Francisco, California.


An Employee of Fox Rothschild LLP

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on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelope(s) addressed as follows:

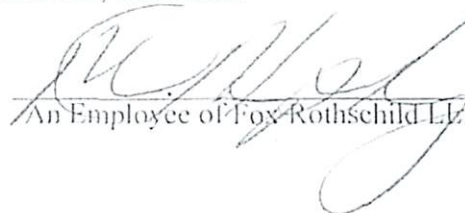
Douglas N. Silverstein, Esq.
Michael G. Jacob, Esq.
Kesluk, Silverstein & Jacob, P.C.
9255 Sunset Boulevard, Ste. 411
Los Angeles, CA 90069
T: 310.273.3180
F: 310.273.6137

Attorneys for Plaintiff

☒ **BY FIRST-CLASS MAIL:** I caused said document(s) to be deposited in a facility regularly maintained by the United States Postal Service on the same day, in a sealed envelope, with postage paid, addressed to the above listed person(s) on whom it is being served for collection and mailing on that date following ordinary business practices.

☒ **[STATE]** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 23, 2015, at San Francisco, California.


An Employee of Fox Rothschild LLP

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Form Adopted for Mandatory Use
Judicial Council of California
CM-110 (Rev. July 1, 2011)

Legal
Solutions
Plus

CM-110

PLAINTIFF/PETITIONER: Gilbert Guzman

CASE NUMBER:

BC 574495

DEFENDANT/RESPONDENT: Space Exploration Technologies Corp., et al.

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff began his employment as a Propulsion Technician with Defendant on or about August 15, 2008. On or about July 7, 2014, Plaintiff informed Defendant that he was experiencing lower back pain. On July 8, 2014, Plaintiff informed Defendants that his doctor recommended him on bed rest for two weeks. Plaintiff's doctor prescribed additional leaves through August 22, 2014. On August 7, 2014 Plaintiff was terminated under the pretext of job abandonment.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☒ a jury trial ☐ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
See Attachment.

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 5-7

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative dispute resolution (ADR)

- a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption): Amount in controversy exceeds jurisdiction maximum.

MC-025

SHORT TITLE: Guzman vs. Space Exploration Technologies Corp., et al.

CASE NUMBER:

BC 574495

ATTACHMENT (Number): 6.c.

(This Attachment may be used with any Judicial Council form.)

Plaintiff's counsel will be engaged in trial on the following dates:

09/08/15-09/18/15
09/21/15-10/08/15
10/13/15-10/16/15
10/26/15-11/09/15
11/16/15-12/08/15
12/17/15-01/04/16
01/19/16-01/27/16
02/02/16-02/10/16
02/16/16-02/26/16
02/26/16-03/09/16
03/15/16-03/25/16
03/28/16-04/15/16
04/26/16-05/04/16
07/11/16-07/22/16
08/08/16-08/19/16
10/03/16-10/10/16

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 2a of 5

(Add pages as required)

CM-110

PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: Space Exploration Technologies Corp., et al.	BC 574495

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

CM-110

PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: Space Exploration Technologies Corp., et al.	BC 574495

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

14. Bifurcation

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

☐ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff Gilbert Guzman	written discovery	August 2015
Plaintiff Gilbert Guzman	Deposition(s) of Defendant's Person(s) Most Qualified	October 2015

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

CM-110

PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: Space Exploration Technologies Corp., et al.	BC 574495

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 1 (one)

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: May 21, 2015

Michael G. Jacob, Esq. _____
(TYPE OR PRINT NAME)

►  _____
(SIGNATURE OF PARTY OR ATTORNEY)

05 / 21 / 2015

(TYPE OR PRINT NAME)

► _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

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On May 20, 2015, I served the following documents on all interested parties in this action as follows: **CASE MANAGEMENT STATEMENT**

/ / (BY FACSIMILE) This document was transmitted by using a facsimile machine that complies with the California Rules of Court rule 2003(3), telephone number (310) 273-6137. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is on file at the firm. The names and facsimile numbers of the person(s) served are as set forth below.

SEE ATTACHED SERVICE LIST


Michael Bew

05/21/2015

GILBERT GUZMAN vs. SPACE EXPLORATION TECHNOLOGIES CORP., et al.,
CASE NO. BC574495

SERVICE LIST

Alexander Hernaez
Lee Szor
FOX ROTHSCHILD LLP
345 California Street, Suite 2200
San Francisco, CA 94104
Telephone: 415-364-5540
Facsimile: 415-391-4436
ahernaez@foxrothschild.com
lszor@foxrothschild.com
[Attorneys for Defendant SPACEX]

05 / 21 / 2015

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles MAY 20 2015
COURTHOUSE ADDRESS: 111 North Hill Street Los Angeles, CA 90012		Sherri R. Carter, Executive Officer/Clerk By: <u>Victor Sino-Cruz</u> Deputy
PLAINTIFF: Gilbert Guzman		
DEFENDANT:		
CIVIL DEPOSIT		CASE NUMBER: BC 574495

Clerk: Prepare a form for each depositor paying separately.

PLEASE REPORT TO THE CLERK'S OFFICE/CASHIER:

☐ Room 102, Central Civil
 ☐ Clerk's Office, Room _____
 ☒ Department Number 72

✓	Distribution Codes	Amt. Due	✓	Distribution Codes	Amt. Due
	251 DAILY JURY FEES Dates: _____ # of day(s) <u>X</u> \$			74 DEPOSIT IN TRUST	
<input checked="" type="checkbox"/>	72 JURY FEES Trial Date: <u>not set</u> (Initial Deposit) \$ <u>150.00</u>			101 FIRST PAPERS (General Jurisdiction)	
	REPORTER'S FEES Dates: _____ # of 1/2 day(s) <u>X</u> \$			101 FIRST PAPERS Limited over \$10,000	
	253 Half day			141 With declaration Limited to \$10,000 (Per B&P 6322.1(a))	
	252 Full Day			130 Limited to \$10,000	
	721 SANCTIONS ORDERED ON Date: _____			211 RECLASSIFICATION FEE	
	213 MOTION/APPLICATION TO CONTINUE HEARING			150 COMPLEX LITIGATION TRIAL/Plaintiff	
	200 MOTION/APPLICATION TO CONTINUE TRIAL			151 COMPLEX LITIGATION/Defendant	
	Other: _____				

 To be paid via ☐ Cash ☒ Check ☐ Certified Check/Money Order ☐ Credit Card
☐ On or before: _____ ☒ Forthwith

 Payment will be made by ☒ Plaintiff Gilbert Guzman ☐ Defendant _____

JOHN A. CLARKE, Executive Officer/Clerk

DATED: May 20, 2015
 BY: _____
 Deputy Clerk

TO BE COMPLETED BY DEPOSITOR	
Depositor's Name <u>Kesluk, Silverstein & Jacob, P.C.</u>	
<input type="checkbox"/> Plaintiff in Pro Per <input type="checkbox"/> Defendant in Pro Per	
<input checked="" type="checkbox"/> Counsel for <input checked="" type="checkbox"/> Plaintiff <u>Gilbert Guzman</u>	
Name of Party	Name of Party
<input type="checkbox"/> Defendant _____	
Address of depositor <u>9255 Sunset Boulevard, Suite 411</u> Street <u>Los Angeles, CA 90069</u> City/State/Zip	

CASHIER'S VALIDATION

 RECEIPT #: CCH420411044
 DATE PAID: 05/20/15 03:47 PM
 PAYMENT: \$150.00
 RECEIVED: 310
 CHECK: \$150.00
 CASH: \$0.00
 CHANGE: \$0.00
 CARD: \$0.00

 CIT/CASE: BC574495
 LEA/DEF#:

ORIGINAL

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ALEXANDER HERNAEZ (SBN 201441), LEE SZOR (SBN 276381) FOX ROTHSCHILD LLP 345 California Street, Suite 2200, San Francisco, CA 94104 TELEPHONE NO.: (415) 364-5540 FAX NO. (Optional): (415) 391-4436 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Defendant SpaceX		FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles MAY 20 2015 Sherri R. Carter, Executive Officer/Clerk By <u>Glorietta Robinson</u> , Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse			
PLAINTIFF/PETITIONER: Gilbert Guzman DEFENDANT/RESPONDENT: SpaceX			
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: BC574495	
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: June 9, 2015 Time: 8:30 a.m. Dept.: 72 Div.: Room: Address of court (if different from the address above): <input checked="" type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): Lee Szor			

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

- Party or parties (answer one):
 - ☒ This statement is submitted by party (name): Defendant SpaceX
 - ☐ This statement is submitted jointly by parties (names):
- Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)
 - The complaint was filed on (date): March 9, 2015
 - ☐ The cross-complaint, if any, was filed on (date):
- Service (to be answered by plaintiffs and cross-complainants only)
 - ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - ☐ The following parties named in the complaint or cross-complaint
 - ☐ have not been served (specify names and explain why not):
 - ☐ have been served but have not appeared and have not been dismissed (specify names):
 - ☐ have had a default entered against them (specify names):
 - ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
- Description of case
 - Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):
 Plaintiff alleges his termination was the product of disability discrimination and in retaliation for his alleged disability. He also alleges SpaceX did not engage in the interactive process or accommodate his alleged injury.

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PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: SpaceX	BC574495

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
Plaintiff claims his termination was discriminatory and retaliatory on the basis of his alleged disability.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

This is the first CMC in this case. Defendant kindly requests that trial be scheduled at a further CMC.

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
See attachment 6c.

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

a. ☒ days (specify number): 4-6.

b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative dispute resolution (ADR)

a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☒ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):
Amount in controversy exceeds limit.

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PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: SpaceX	BC574495

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>):
(1) Mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER:
DEFENDANT/RESPONDENT: SpaceX	BC574495

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
- Defendant anticipates filing a motion for summary judgment.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant SpaceX	Depositions	Per CCP
Defendant SpaceX	Written Discovery	Per CCP
Defendant SpaceX	Third-party Discovery	Per CCP
Defendant SpaceX	Expert Discovery	Per CCP

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

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PLAINTIFF/PETITIONER: Gilbert Guzman	CASE NUMBER: BC574495
DEFENDANT/RESPONDENT: SpaceX	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

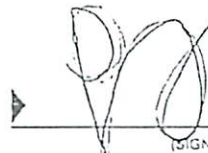
20. Total number of pages attached (if any): 2

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: May 20, 2015

Lee B. Szor for Defendant SpaceX

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

Attachment 6c

Defendant's counsel is committed to the following trial dates in other matters:

July 27-31, 2015
September 1-4, 2015
September 28 – October 2, 2015
October 16-23, 2-15
November 17-20, 2015
December 7-11, 2015
January 4-13, 2016
January 15-29, 2016
February 5-16, 2016
February 22 – March 4, 2016
March 8-11, 2016
March 21-25, 2016
April 4-8, 2016,
May 16-27, 2016
June 20-24, 2016
February 6-10, 2017

05 / 21 / 2015

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action; my business address is: 345 California Street, Suite 2200, San Francisco, CA 94104.

On the date indicated below, I served the foregoing document(s):

CASE MANAGEMENT STATEMENT

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelope(s) addressed as follows:

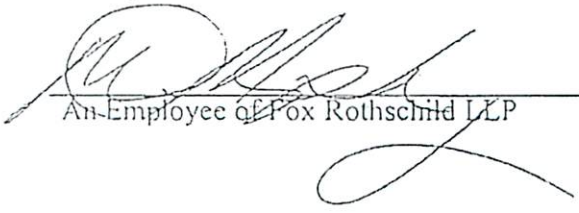
Douglas N. Silverstein, Esq.
 Michael G. Jacob, Esq.
 Kesluk, Silverstein & Jacob, P.C.
 9255 Sunset Boulevard, Ste. 411
 Los Angeles, CA 90069
 T: 310.273.3180
 F: 310.273.6137

Attorneys for Plaintiff

☒ **BY FIRST-CLASS MAIL:** I caused said document(s) to be deposited in a facility regularly maintained by the United States Postal Service on the same day, in a sealed envelope, with postage paid, addressed to the above listed person(s) on whom it is being served for collection and mailing on that date following ordinary business practices.

☒ **[STATE]** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed May 20, 2015, at San Francisco, California.


 An Employee of Fox Rothschild LLP

05 / 21 / 2015

Douglas N. Silverstein, Esq. (SBN 181957)
Michael G. Jacob, Esq. (SBN 229939)
KESLUK, SILVERSTEIN & JACOB, P.C.
9255 Sunset Boulevard, Suite 411
Los Angeles, California 90069-3309
Telephone: (310) 273-3180
Facsimile: (310) 273-6137
dsilverstein@californialaborlawattorney.com
mjacob@californialaborlawattorney.com

Attorneys for Plaintiff GILBERT GUZMAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

GILBERT GUZMAN, an individual,

Plaintiff,

v.

SPACE EXPLORATION
TECHNOLOGIES CORP., a Delaware
Corporation; and DOES 1 through 60,
inclusive,

Defendants.

CASE NO. BC 574495

*[Assigned to Department 72 - Honorable Ruth
Ann Kwan, Judge, for all Purposes]*

PLAINTIFF GILBERT GUZMAN'S
NOTICE OF POSTING JURY FEES

CMC Date: June 9, 2015

Complaint filed: March 9, 2015

Trial Date: Not Set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that Plaintiff GILBERT GUZMAN hereby posts jury
fees.

DATED: May 20, 2015

KESLUK, SILVERSTEIN & JACOB, P.C.

By


Douglas N. Silverstein, Esq.

Michael G. Jacob, Esq.

Attorneys for Plaintiff GILBERT GUZMAN

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction this service was made. My business address is 9255 Sunset Boulevard, Suite 411, Los Angeles, California 90069.

/ X / (BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

1 / (BY FEDERAL EXPRESS) I am readily familiar with the firm's practice for collection
and processing correspondence by overnight delivery. Under that practice it would be
deposited in a box or other facility regularly maintained by Federal Express for
overnight delivery.

/ / (BY ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed below.

/ / (BY FACSIMILE) This document was transmitted by using a facsimile machine that complies with the California Rules of Court rule 2003(3), telephone number (310) 273-6137. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is on file at the firm. The names and facsimile numbers of the person(s) served are as set forth below.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the United States of America and the State of California that the above is true and correct. Executed on May 20, 2015, at Los Angeles, California.

Michl Herz

Michael Bew

1 GILBERT GUZMAN vs. SPACE EXPLORATION TECHNOLOGIES CORP., et al.,
2 CASE NO. BC574495

3 SERVICE LIST
4

5 Alexander Hernaez
6 Lee Szor
7 FOX ROTHSCHILD LLP
8 345 California Street, Suite 2200
9 San Francisco, CA 94104
10 Telephone: 415-364-5540
11 Facsimile: 415-391-4436
12 ahernaez@foxrothschild.com
13 lszor@foxrothschild.com
14 [*Attorneys for Defendant SPACEX*]
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 06/09/15

DEPT. 72

HONORABLE RUTH ANN KWAN

JUDGE

S. BARRERA

DEPUTY CLERK

HONORABLE
#1

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M. RODRIGUEZ, C.A.

Deputy Sheriff

none

Reporter

8:30 am BC574495

Plaintiff

COURTCALL APPEARANCE:

Counsel

MICHAEL G. JACOB (X)

GILBERT GUZMAN

Defendant:

COURTCALL APPEARANCE:

VS

Counsel

LEE SZOR (X)

SPACE EXPLORATION TECHNOLOGIES
CORP

NATURE OF PROCEEDINGS:

CASE MANAGEMENT CONFERENCE

The matter is held in chambers.

The Final Status Conference is set for April 15, 2016
at 9:00 a.m. in Department 72.The Trial is set for April 25, 2016 at 9:00 a.m. in
Department 72.

Notice is waived.

EXHIBIT 2

DISC-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) ALEXANDER HERNAEZ (SBN 201441), LEE SZOR (SBN 276381) FOX ROTHSCHILD LLP 345 California Street, Suite 2200, San Francisco, CA 94104 TELEPHONE NO. (415) 364-5540 FAX NO. (Optional) (415) 391-4436 E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) Defendant SpaceX		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS 111 North Hill Street MAILING ADDRESS 111 North Hill Street CITY AND ZIP CODE Los Angeles 90012 BRANCH NAME Central District, Stanley Mosk Courthouse		
SHORT TITLE: Guzman v. SpaceX		
REQUESTS FOR ADMISSION <input checked="" type="checkbox"/> Truth of Facts <input type="checkbox"/> Genuineness of Documents Requesting Party: Defendant SpaceX Answering Party: Plaintiff Gilbert Guzman Set No.: One		CASE NUMBER BC574495

INSTRUCTIONS

Requests for admission are written requests by a party to an action requiring that any other party to the action either admit or deny, under oath, the truth of certain facts or the genuineness of certain documents. For information on timing, the number of admissions a party may request from any other party, service of requests and responses, restrictions on the style, format, and scope of requests for admission and responses to requests, and other details, see Code of Civil Procedure sections 94-95, 1013, and 2033.010-2033.420 and the case law relating to those sections.

An answering party should consider carefully whether to admit or deny the truth of facts or the genuineness of documents. With limited exceptions, an answering party will not be allowed to change an answer to a request for admission. There may be penalties if an answering party fails to admit the truth of any fact or the genuineness of any document when requested to do so and the requesting party later proves that the fact is true or that the document is genuine. These penalties may include, among other things, payment of the requesting party's attorney's fees incurred in making that proof.

Unless there is an agreement or a court order providing otherwise, the answering party must respond in writing to requests for admission within 30 days after they are served, or within 5 days after service in an unlawful detainer action. There may be significant penalties if an answering party fails to provide a timely written response to each request for admission. These penalties may include, among other things, an order that the facts in issue are deemed true or that the documents in issue are deemed genuine for purposes of the case.

Answers to *Requests for Admission* must be given under oath. The answering party should use the following language at the end of the responses:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

These instructions are only a summary and are not intended to provide complete information about requests for admission. This *Requests for Admission* form does not change existing law relating to requests for admissions, nor does it affect an answering party's right to assert any privilege or to make any objection.

REQUESTS FOR ADMISSION

You are requested to admit within 30 days after service, or within 5 days after service in an unlawful detainer action, of this *Requests for Admission* that:

- ☒ Each of the following facts is true (if more than one, number each fact consecutively):
☒ Continued on Attachment 1
- ☐ The original of each of the following documents, copies of which are attached, is genuine (if more than one, number each document consecutively):
☐ Continued on Attachment 2

Lee Szor

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 1

ATTACHMENT 1

REQUESTS FOR ADMISSION TO PLAINTIFF, SET ONE

DEFINITIONS

1. The terms "YOU" and "YOUR" mean Plaintiff GILBERT GUZMAN, the Responding Party, and the Responding Party's present and former agents, and all other such persons acting on the Responding Party's behalf, including guardians, attorneys, and investigators.
2. The term "COMPLAINT" refers to the Responding Party's Complaint in this case filed on March 9, 2015.
3. The term "DEFENDANT" refers to SPACEX, the Propounding Party, including its agents, supervisors, managers, partners, and representatives.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that DEFENDANT did not discriminate against YOU on the basis of YOUR alleged disability.

REQUEST FOR ADMISSION NO. 2:

Admit that DEFENDANT did not fail to engage in good faith in the interactive process.

REQUEST FOR ADMISSION NO. 3:

Admit that DEFENDANT did not fail to accommodate YOUR alleged disability.

REQUEST FOR ADMISSION NO. 4:

Admit that DEFENDANT did not discharge YOU in violation of public policy.

REQUEST FOR ADMISSION NO. 5:

Admit that DEFENDANT did not retaliate against YOU because of YOUR disability or because YOU requested reasonable accommodation.

REQUEST FOR ADMISSION NO. 6:

Admit that DEFENDANT did not retaliate against YOU because YOU requested and took protected leave.”

“REQUEST FOR ADMISSION NO. 7:

Admit that DEFENDANT did not discharge YOU because of YOUR alleged disability.

REQUEST FOR ADMISSION NO. 8:

Admit that DEFENDANT did not interfere with YOUR protected leave.

REQUEST FOR ADMISSION NO. 9:

Admit that DEFENDANT did not fail to adhere to its duties to provide Notice in accordance with the regulations governing the California Family Rights Act/Family Medical Leave Act.”

REQUEST FOR ADMISSION NO. 10:

Admit that YOU have not visited or consulted a medical provider regarding the emotional distress, including but not limited to, loss of sleep, anxiety, tension, depression, and humiliation, which YOU allegedly sustained and continue to sustain as alleged in YOUR COMPLAINT.

REQUEST FOR ADMISSION NO. 11:

Admit that YOU have not sustained, and do not continue to sustain, emotional distress, including but not limited to, loss of sleep, anxiety, tension, depression, and humiliation, which YOU allegedly sustained and continue to sustain as alleged in YOUR COMPLAINT.

REQUEST FOR ADMISSION NO. 12:

Admit that YOUR medical leave expired on August 7, 2014.

REQUEST FOR ADMISSION NO. 13:

Admit that YOUR medical leave was not extended until August 22, 2014.

REQUEST FOR ADMISSION NO. 14:

Admit that YOU never notified or informed DEFENDANT that YOUR medical leave was extended until August 22, 2014.

REQUEST FOR ADMISSION NO. 15:

Admit that YOU never provided DEFENDANT with a doctor's note stating that YOUR medical leave was extended until August 22, 2014.

REQUEST FOR ADMISSION NO. 16:

Admit that each time YOU asked DEFENDANT for medical leave, YOU received medical leave.

REQUEST FOR ADMISSION NO. 17:

Admit that you never submitted any written or verbal complaint(s) to DEFENDANT about YOUR contention that DEFENDANT discriminated against YOU on the basis of YOUR alleged disability.

REQUEST FOR ADMISSION NO. 18:

Admit that you are not pursuing a claim under the federal Family Medical Leave Act.

1 ALEXANDER HERNAEZ (SBN: 201441)
ahernaez@foxrothschild.com
2 LEE SZOR (SBN: 276381)
lszor@foxrothschild.com
3 FOX ROTHSCILD LLP
345 California Street, Suite 2200
4 San Francisco, CA 94104
Telephone: 415.364.5540
5 Facsimile: 415.391.4436

6 Attorneys for Defendant SPACEX

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 GILBERT GUZMAN,

Case No.: BC574495

12 Plaintiff,

13 v.

PROOF OF SERVICE

14 SPACE EXPLORATION
15 TECHNOLOGIES CORP., a Delaware
16 corporation; and DOES 1 through 60,
inclusive,

Complaint Filed: March 9, 2015

17 Defendants.
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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to this action; my business address is: 345 California Street, Suite 2200, San Francisco, CA 94104.

On the date indicated below, I served the foregoing document(s):

SPACEX'S REQUESTS FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF, GILBERT GUZMAN, SET ONE

SPACEX'S SPECIAL INTERROGATORIES TO PLAINTIFF,
GILBERT GUZMAN, SET ONE

SPACEX'S FORM INTERROGATORIES – GENERAL TO
PLAINTIFF, GILBERT GUZMAN, SET ONE

SPACEX'S FORM INTERROGATORIES – EMPLOYMENT TO
PLAINTIFF, GILBERT GUZMAN, SET ONE

SPACEX'S REQUESTS FOR ADMISSION TO PLAINTIFF,
GILBERT GUZMAN, SET ONE

on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelope(s) addressed as follows:

Douglas N. Silverstein, Esq.
Michael G. Jacob, Esq.
Kesluk, Silverstein & Jacob, P.C.
9255 Sunset Boulevard, Ste. 411
Los Angeles, CA 90069
T: 310.273.3180
F: 310.273.6137

Attorneys for Plaintiff

☒ BY FIRST-CLASS MAIL: I caused said document(s) to be deposited in a facility regularly maintained by the United States Postal Service on the same day, in a sealed envelope, with postage paid, addressed to the above listed person(s) on whom it is being served for collection and mailing on that date following ordinary business practices.

☒ [STATE] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 30, 2015, at San Francisco, California.


Karen R. Beaton